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6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION  
10

11 UNITED STATES OF AMERICA,	)	No. CR 11-00748-EJD
	)	
12 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER CONTINUING HEARING TO
13 vs.	)	AUGUST 27, 2012, AND EXCLUDING
	)	TIME UNDER THE SPEEDY TRIAL ACT
14 JOSE GILBERTO ORTIZ,	)	
	)	
15 Defendant.	)	
	)	

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17 **STIPULATION**

18 The parties, Jose Gilberto Ortiz and the government, acting through their respective  
19 counsel, hereby stipulate, subject to the Court's approval, that the status hearing date currently  
20 set for May 14, 2012, be vacated and continued to August 27, 2012, at 1:30 p.m.

21 The reason for the requested continuance is defense counsel requires additional time to  
22 further investigate and prepare Mr. Ortiz' defense, which also involves completing legal research  
23 with respect the filing of one or more pretrial motions.

24 Accordingly, the parties agree and stipulate that time should be excluded from May 14,  
25 2012, through and including August 27, 2012, under the Speedy Trial Act, 18 U.S.C. §  
26 3161(h)(7)(A) and (B)(iv), for effective preparation and defense investigation. Accordingly, Mr.

1 Gilberto -Ortiz and the government agree that granting the requested exclusion of time will serve  
2 the interest of justice and the ends of justice outweigh the interest of the public and the defendant  
3 in a speedy trial.

4 IT IS SO STIPULATED.

5 Dated: May 10, 2012

6 \_\_\_\_\_/s/  
VARELL L. FULLER  
7 Assistant Federal Public Defender

8 Dated: May 10, 2012

9 \_\_\_\_\_/s/  
GARY G. FRY  
Assistant United States Attorney

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11 **~~Proposed~~ ORDER**

12 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
13 ORDERED that the status hearing currently set for May 14, 2012, shall be continued to August  
14 27, 2012, at 1:30 p.m.

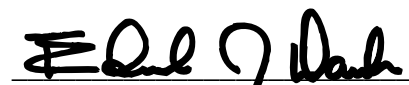
15 THE COURT FINDS that failing to exclude the time between May 14, 2012, and  
16 August 27, 2012, would unreasonably deny counsel the reasonable time necessary for effective  
17 preparation, taking into account the exercise of due diligence. See 18 U.S.C. §  
18 3161(h)(7)(B)(iv).

19 THE COURT FURTHER FINDS that the ends of justice served by excluding the time  
20 between May 14, 2012, and August 27, 2012, from computation under the Speedy Trial Act  
21 outweigh the interests of the public and the defendant in a speedy trial.

22 THEREFORE, IT IS HEREBY ORDERED that the time between May 14, 2012, and  
23 August 27, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §  
24 3161(h)(7)(A) and (B)(iv).

25 IT IS SO ORDERED.

26 Dated:

  
\_\_\_\_\_  
THE HONORABLE EDWARD J. DAVILA  
United States District Judge